

REMARKS

Claims 14-16 are cancelled due to the finality of the restriction requirement. Applicants reserve the right to file one or more divisional applications directed to the canceled subject matter pursuant to 35 USC § § 120 and 121.

Claim 13 is cancelled as it is directed to non-statutory subject matter.

Claim 1 is amended to recite a vegetable fat composition comprising fatty acids and less than 4% of water. Support for the amendment may be found at the paragraph bridging pages 4 and 5 of the instant application. Claim 1 is also amended to include the limitation that "from 47 to 51% of the fatty acid are oleic acid." The amendment is supported by the specification at page 5, lines 5-10, where it discloses that the fatty acid composition of the vegetable fat according to the invention contains 47-51% of C18:1, n-9 (oleic acid).

Claims 2-12 are amended to refer to the "fat composition" rather than the "fat". Claims 2-12 are also amended to depend properly from claim 1.

No new claims are added. Claims 1-12 remain in the application for consideration. Applicants submit that no new matter is added herein.

Claim Objections

Claims 4-12 are objected to as being in improper form because multiple dependent claims 4-12 depend on other multiple dependent claims.

To address the objection, claims 4-12 are amended to depend properly from independent claim 1. Applicants submit that the objection has been overcome.

Claim Rejections under 35 USC § 112

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention.

To address the rejection, Applicants herein amend claim 1, from which claim 11 depends, to recite a vegetable fat composition comprising among other things, fatty acids. Claim 11 is amended to refer to the "fat composition" of claim 1, rather than the "fat." Since a composition may contain more than one components, Applicants submit that amended claim 11 is definite. Accordingly, a withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 USC 101

Claim 13 is rejected for being directed to non-statutory subject matter. By virtue of this amendment, claim 13 is

cancelled thus rendering the rejection moot.

Claim Rejections under 35 USC 102

Claims 1-13 are rejected under 35 USC § 102(b) as being anticipated by IDRIS et al., *Evaluation of Shortenings Based on Various Palm Oil Products*, 1373 Journal of the Science of Food and Agriculture 46 (1989) No. 4, Barking, Essex, Gr. Britain. Applicant respectfully traverse the rejection.

Idris et al. discloses various shortening formulations based on palm oil products. In Table 3, Idris et al. disclose that formulation 2C in Group 2 contains 43.7% of C18:1 (mono unsaturated fatty acids having 18 carbon atoms) and 16.8% of C18:3 (poly unsaturated fatty acids having 18 carbon atoms). In the same table, Idris et al. discloses that formulation 3C in Group 3 contains 46.1% of C18:1 and 18.4% of C18:3.

In contrast, instant claim 1 recites a vegetable fat composition comprising fatty acids and less than 0.4% of water based on the total weight of the composition, wherein at least 90% of the fatty acids have 16 to 18 carbon atoms, and wherein from 12 to 18% of the fatty acids are linoleic acid and from 47 to 51% of the fatty acids are oleic acid. Applicants submit that the instantly claimed fat composition distinguishes from formulations 2C and 3C disclosed in Idris et al. because the amounts of mono unsaturated fatty acids having 18 carbon atoms

in the 2C and 3C formulations, which are 43.7% and 46.1% respectively, fall outside and not suggestive of the instantly claimed range of from 47 to 51% of oleic acid, a special type of mono unsaturated fatty acids having 18 carbon atoms.

In addition, the amount of poly unsaturated fatty acids in formulation 3C, which is 18.4%, also falls outside of the claimed range of from 12 to 18%. Therefore, Idris et al. does not disclose or suggest the instantly claimed invention as recited in claim 1 and the claims depending therefrom. Accordingly, withdrawal of the rejection is respectfully requested.

It is believed that the instant claims are now in condition for allowance. Accordingly, an early receipt of a Notice of Allowance is respectfully requested.

To facilitate the continued prosecution of this application, the Examiner is invited to contact Applicants' representative at the telephone number listed below. Any charges due with this request may be charged to Deposit account 23-1665, Customer Number 27267.

Respectfully submitted,

Pascal DesBois, ET AL.

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